

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-479V

Filed: November 2, 2016

ANDREW HOOSE,

*

UNPUBLISHED

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Petitioner,

*

v.

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*

Attorneys' Fees and Costs;

SECRETARY OF HEALTH

*

Reasonable Amount to Which

AND HUMAN SERVICES,

*

Respondent Does Not Object

*

Respondent.

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Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.

Douglas Ross, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEYS' FEES AND COSTS¹

Roth, Special Master:

On May 11, 2015, Andrew Hoose [“Mr. Hoose” or “petitioner”] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [“Vaccine Act” or “Program”]. Petitioner alleged that he developed Acute Disseminated Encephalitis [“ADEM”] after receiving an influenza vaccine on September 9, 2013. *See generally* Petition [ECF No. 1]. Respondent denies that the influenza vaccine caused petitioner’s alleged injury. *See* Stipulation at ¶ 6. Nevertheless, the parties agreed to settle this case, and respondent filed a stipulation of settlement. Stipulation, Aug. 9, 2016 [ECF No. 34]. That same day, the undersigned issued a decision approving the settlement. Decision, issued Aug. 9, 2016 [ECF No. 35].

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Petitioner now seeks an award of attorney's fees in the amount of \$36,976.00 and costs in the amount of \$2,743.35, for a total of \$39,719.35. Motion for Attorneys' Fees, filed Oct. 19, 2016 [ECF No. 37]. In accordance with General Order #9, petitioner has filed a signed statement indicating that petitioner incurred \$8.45 in out-of-pocket expenses. Notice, filed Nov. 2, 2016 [ECF No. 42]. Respondent has indicated that she does not oppose the overall award amount sought, as it is not unreasonable. Response, filed Oct. 26, 2016 [ECF No. 41]. After careful consideration, the undersigned has determined to grant the request in full for the reasons set forth below.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Based on the reasonableness of petitioner's request and the lack of opposition from respondent, the undersigned **GRANTS** petitioner's motion for attorneys' fees and costs.

Accordingly, the undersigned awards the total of \$39,727.80 as follows:

- **A lump sum of \$8.45 in the form of check payable solely to petitioner, Andrew Hoose; and**
- **A lump sum of \$39,719.35 in the form of a check jointly payable to petitioner and petitioner's counsel, Ron Homer.**

The clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Mindy Michaels Roth
Mindy Michaels Roth
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.